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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,864	03/17/2004	Maarten Martinus Romijn		1984

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Mister Patrick A. Rietkerk
3648 Oakbrook Lane
Panama City Beach, FL 32408

EXAMINER

BARTON, JEFFREY THOMAS

ART UNIT	PAPER NUMBER
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1795

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,864

Applicant(s)

ROMIJN, MAARTEN MARTINUS

Examiner

Jeffrey T. Barton

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Pro Se Applicant

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Specification

2. The amendment filed on 28 July 2004 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In the substitute page 6, Applicant introduces the language, "or can equal the carbon sink capacity of one acre of mature tropical forest", which has no support in the application as originally filed.

In the substitute page 44, Applicant adds a paragraph describing use of an embodiment in accelerating plant seedling growth or sunning the human body, which has no support in the application as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 33-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Emission credits", "tradable emission rights", "carbon dioxide emission credits", and "carbon dioxide emission rights" correspond to abstract ideas that are not processes, machines, manufactures, or compositions of matter. The claims do not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result. The idea of a credit or a right, in and of itself, does not constitute statutory subject matter.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims in this application are indefinite to a point that precludes meaningful examination on the merits. The Examiner cannot determine the scope of what Applicant is intending to claim. The claims are narrative in form and replete with indefinite and functional or operational language. The claims include so many instances of indefinite language that it is impractical to attempt to list them in a single Office Action. Applicant's assistance is needed in thoroughly reviewing the claims to correct all such issues, which are exemplified in the specific grounds for rejection presented below.

Claims 1-36 are rejected under 35 U.S.C. §112, second paragraph as being prolix claims. In particular independent claim 1 is nearly seven pages long, and independent claim 11 is five pages long. These claims include large numbers of ambiguously optional steps and structure, as well as verbose and indefinite preambular statements of the intended purpose of the claimed method and apparatus (see below), which make it impossible to determine the metes and bounds of the claims. Note MPEP §2173.05(m).

Throughout the claims, the term "casu quo" is repeated numerous times. This term has no well-known and accepted meaning in the English language, and it therefore renders the claims indefinite. Applicant is required to amend the claims to remove each

recitation of this term and to amend the claim language to distinctly point out what is meant, while keeping in mind that new matter must not be introduced by such amendment. Phrases such as "... providing for many people the steps for casu quo the opportunity for earning casu quo accruing emission rights casu quo emission credits casu quo tradable emission rights casu quo tradable emission credits casu quo tradable carbon dioxide emission rights casu quo tradable carbon dioxide emission credits ..."

seem to indicate that "casu quo" has been used to state equivalents or further narrow a recited term. Such recitations within a single claim inevitably lead to indefinite claim language, because they attempt to provide multiple meanings for a single structure or step. It is suggested that if such qualification is in fact intended, Applicant should choose one broad term to recite in the independent claim, then use narrowing recitations in dependent claims to further define what is particularly encompassed by this broad term.

In addition, in claims 1 and 11, it is unclear which method steps or structure are required and which are optional. The respective preambles of these claims end by stating "said [method/apparatus] comprising any or all of the following [steps/means]", which would ordinarily be taken to mean that any one or multiple recited steps or "means" could be present a method or apparatus according to the claim. However, each method step (b) through (z) in claim 1 relies upon structure recited in an earlier listed step. [e.g. step (c) refers to "said bendable mirror" at line 9 of page 47, while "bendable mirror" was recited in step (b)] This makes it unclear whether performing any of steps (b) through (z) actually requires performing one or more of the previously

recited steps. [e.g. can step (c) be performed without performing step (b)?] Similarly, "means" (b)-(o) and (q)-(z) recited in claim 11 rely upon structure that was recited in other "means". Does such recitation require provision of all elements of such earlier recited "means"? This is unclear from the current wording of the claims.

The preamble of claim 1 begins "A method for achieving worldwide reduction of carbon dioxide emissions and worldwide reduction of deforestation . . .", but no subsequent step (a)-(z) actually provides for such reduction of emissions or deforestation. In addition, the preamble of claim 1 recites the intention of providing the opportunity for earning emission rights, the value of which can be monetized, creating a source of revenue, synergic combination of augmented net to food cooking power on sunlight with augmented net electricity generating power, and numerous other intended functions which bear no recited relationship to the method steps that are actually recited in the remainder of the claim. The method steps of claim 1 essentially provide for directing sunlight onto PV cells or into a solar cooker for performing various cooking functions. There is no combination of recited steps that can actually fulfill the numerous purposes claimed. Since the combination as claimed is inoperative for its claimed purpose, the patentee has failed to distinctly claim the disclosed invention as required by the second paragraph of 35 U.S.C. §112. A claim to be valid must recite a structure that is capable of performing its purported function. See *General Electric Company v. United States*, 198 USPQ 65 (Cl. Ct. 1978).

The preamble of claim 1 states the purpose of providing "reduction of carbon dioxide emissions" and "reduction of deforestation", but it is unclear to what any such

reduction is relative. Similarly, there is no basis for evaluating the claimed "augmented net to food cooking power" or "augmented net electricity generating power" - these are augmented relative to what? There is no baseline for comparison clearly present in the application.

In addition, each step (a)-(z) of claim 1 begins with the words "the step", which is indefinite, because there is no antecedent basis for these recitations. Each of these steps should begin with the words "a step", if this construction is to be kept.

Within claim 1, there are recitations of "PV cells, assembled into modules, hereinafter called PV cell modules" (Page 45, lines 31-32) and "said PV cell module hereinafter called rocking module" (Page 47, lines 11-12). Such changes in claim terminology render the claim indefinite, particularly since "said PV cell module" is recited later in the claim. (e.g. Page 48, lines 3 and 7)

Throughout the claims, particularly in claim 11, recitations such as "rocker arm means", "bendable mirror means", "PV cell module means", etc. are recited. Commonly, these are recitations of structure (e.g. "rocker arm", "bendable mirror", and "PV cell module") used in an adjective form describing the generic "means", in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). It is suggested that Applicant simply recite the structure, such as "a rocker arm", "a bendable mirror", or "a PV cell module" in these limitations.

It is unclear what the term "synergic" in claim 1 at page 45, line 14 and claim 11 at page 53, line 24 is meant to encompass. There is no objective basis for evaluating whether an apparatus or method meets this criterion.

In claim 1, particularly at page 46, lines 13-14 and page 47, line 7, it is unclear whether "a PV cell module" is the same PV cell module recited earlier in the claim.

In claim 1, particularly at page 46, line 1, there is no antecedent basis for "the meeting line".

In claim 1, particularly at page 47, lines 24-25, there is no positive antecedent basis for "said highly heat conducting topside of said cover cavity".

In claim 1, particularly at page 47, line 25, there is no positive antecedent basis for "said spectrally selective coating".

In claim 1, particularly at page 47, line 25, there is no positive antecedent basis for "said high absorptivity".

In claim 1, particularly at page 48, lines 1-4, it is not clear what is intended by "optimum" quantities of sunlight, by "easy" and "accurate" aiming, or by "conveniently" standing. There is no basis for determining what is encompassed by these terms, and the language is therefore indefinite.

In claim 1, particularly at page 48, lines 3-4, the language of the claim states that the apparatus includes "said PV module", "said mirror", and "all said windows", although the earlier language of the claim stated that these were optional. (i.e. "said method comprising any or all of the following steps") It is unclear whether these features are required in the method of the claim.

In claim 1, particularly at page 48, lines 9-10, it is unclear whether the spectrally selected coating possessing high absorptivity is the same as that recited earlier in step (d).

In claim 1, particularly at page 48, lines 10-11, there is no positive antecedent basis for "said reflectively transmitted sunlight".

In claim 1, particularly at page 48, line 22, there is no positive antecedent basis for "said selective surfaces". A singular "spectrally selective surface" had been recited earlier.

In claim 1, particularly at page 48, line 24, there is no positive antecedent basis for "said trays".

In claim 1, particularly at page 48, line 33, there is no positive antecedent basis for "said reflective walls".

In claim 11, particularly at page 53, lines 26-29, the recitation "said combination being capable of acquiring augmented sunlight with optimum angles of incidence for instant conversion of sunlight to greatly augmented and evenly distributed net to food cooking power and/or to augmented net electric power" is unclear.

In claim 11, particularly at page 53, line 31, "second window" is recited, without a first window having been recited earlier in the claim. Likewise, a "third window" is recited at page 54, lines 1-2. It is unclear whether a first window is required.

In claim 11, particularly at page 54, lines 17-18, there is no positive antecedent basis for "the convex outside surface" or "the flat outside surfaces".

In claim 11, particularly at page 54, lines 27-28, the recitation "for example from shallow . . . said shapes" is indefinite because it is unclear whether the claim is limited to one of the listed shapes.

In claim 11, particularly at page 54, lines 28-31, the recitation "deeper half-barrel shapes generally resulting . . . said first tray means" is purely descriptive, providing no additional limitation to the claim. Such pure description should be deleted, as it does not affect the scope of the claim and makes the claim unclear by making it difficult to ascertain the limitations that must be given weight.

In claim 11, particularly at page 54, line 33, the recitation "or any other kind" is indefinite, since it is entirely unclear what "kind" is contemplated within the claim.

In claim 11, particularly at page 55, line 19, there is no positive antecedent basis for "said rocking module". The preamble of the claim recites "rocking PV cell module".

Although the Examiner has attempted to point out as many instances of indefiniteness as practical, the above grounds for rejection are to be considered exemplary. Many more similar grounds for rejection exist in the claims, and Applicant is required to correct all instances of indefinite language.

Claims 7-10 are rejected under 35 U.S.C. §112, second paragraph, because a claim to "earning" does not clearly correspond to a method, and it is therefore unclear what method/process or other invention Applicant is intending to encompass.

Claims 7-10 are rejected under 35 U.S.C. 101 because the claimed recitation of "earning", does not clearly correspond to a method or any other of the statutory classes

provided for under §101, this language results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jeffrey T. Barton whose telephone number is (571) 272-1307. The examiner can normally be reached on M-F 9:00AM - 5:30PM.

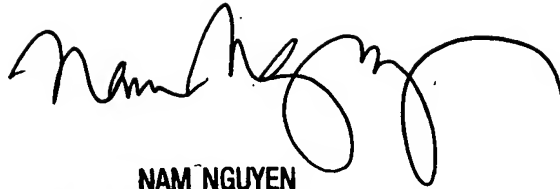
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
10/801,864
Art Unit: 1795

Page 12

JTB
8 November 2007

A handwritten signature in black ink, appearing to read 'Nam Nguyen', with a large, stylized loop at the end.

NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700